My Property Has Wetlands!!! What Does that Mean??

Work within wetlands, within the 100-foot buffer zone of a wetland, seasonal stream, pond, etc. or within 200-feet of a perennial stream (one that flows year-round) must be permitted by the Conservation Commission under the Massachusetts Wetlands Protection Act (WPA) and regulations (310 CMR 10.00). "Work" includes any land-altering activity such as cutting perennial vegetation, expanding a lawn, new paving, changing grading, and exterior demolition or construction. Some "minor activities" are exempted by the regulations.

Application/Permit Options
1. Request for Administrative Approval/ Administrative Approval: For some minor or emergency projects.
2. Request for Determination of Applicability (RDA)/Determination of Applicability (DOA): For some small projects not at all likely to adversely impact the wetland.
3. Notice of Intent (NOI)/Order of Conditions (OOC): For medium and large projects with noticeable disturbance.

Getting a Wetland Permit for work in buffer zone.
1. You may need to hire a wetland scientist to flag the wetlands, streams, ponds, etc.
2. You may need to hire a surveyor/engineer/landscaper to create a plan showing existing and proposed conditions: wetlands, buffers, buildings, pavement, lawn, trees, grading, sediment controls, limit of work, etc.
3. Fill out a wetland application (checklists are available on the ConCom website). This may be done by you or your representative. (Note: Riverfront Area and Flood Zone projects have extra requirements. See below.)
4. Submit a complete application and plan to the Conservation Commission (and DEP).
5. Receive a date for a public hearing (hearings are held at City Hall on Thursday nights, every 3 weeks).
6. Notify abutters via certified mail (if you area submitting an NOI, not if you area submitting an RDA).
7. Stake out proposed structures and limits of work. (The Conservation Administrator will conduct a site visit.)
8. Present the project at the Commission's public hearing.
9. Receive your permit (Order of Conditions), record your permit, schedule your pre-construction site visit.
10. Once done with the project, request a Certificate of Compliance to remove the cloud on your title.

Work in Riverfront Area (RFA) requires extra analyses!   Work in Flood Zone (FZ) requires extra analyses! READ ON!

For work in vegetated/natural RFA (see 310 CMR 10.58(4)), follow the 10 steps above AND include in your application:
- Written Alternatives Analysis demonstrating that there are "no practicable and substantially equivalent economic alternatives to the proposed project with less adverse effects…" Note that "the Alternatives Analysis may reduce the scale of the activity..."
- Proof of "no significant adverse impact"
  - A plan providing a 100-foot wide area of undisturbed vegetation (to the maximum extent practicable)
  - Protection of wildlife, water quality, and rare species

For work in degraded/developed RFA (310 CMR 10.58(5)), follow the 10 steps above AND include in your application:
- Proof of "improvement"
- Proposed work no closer to the river than existing conditions or 100-feet, whichever is less
- Proposed work located outside the riverfront area or away from the river
- An area of proposed work not exceeding the amount of degraded area
- Note: There is some allowance for new degraded areas given sufficient restoration or mitigation

Fill in a chart showing existing vs. proposed conditions in the Riverfront Area as follows.

		Existing (sf)	Proposed (sf)	Difference (sf)
Degraded – absence of topsoil	Inner 100'			
	Outer 100'			
Disturbed – lawn, landscaping	Inner 100'			
	Outer 100'			
Natural - wooded	Inner 100'			
	Outer 100'			

Work in <u>Flood Zone (FZ)</u> requires extra analyses!

You must calculate the volume (cubic feet or cubic yards) of all material brought into the Flood Zone at each foot elevation. You must then remove and equal volume of material at each foot of elevation (see the example below).
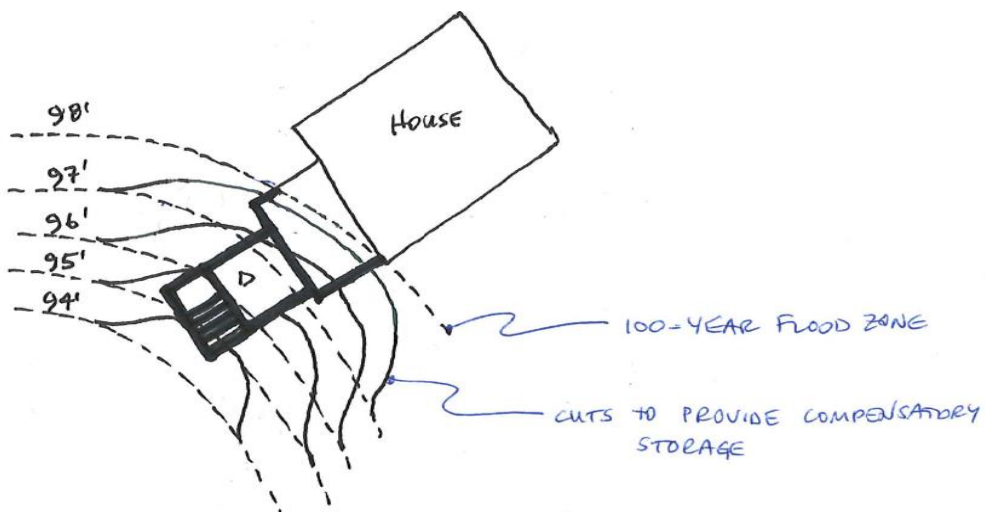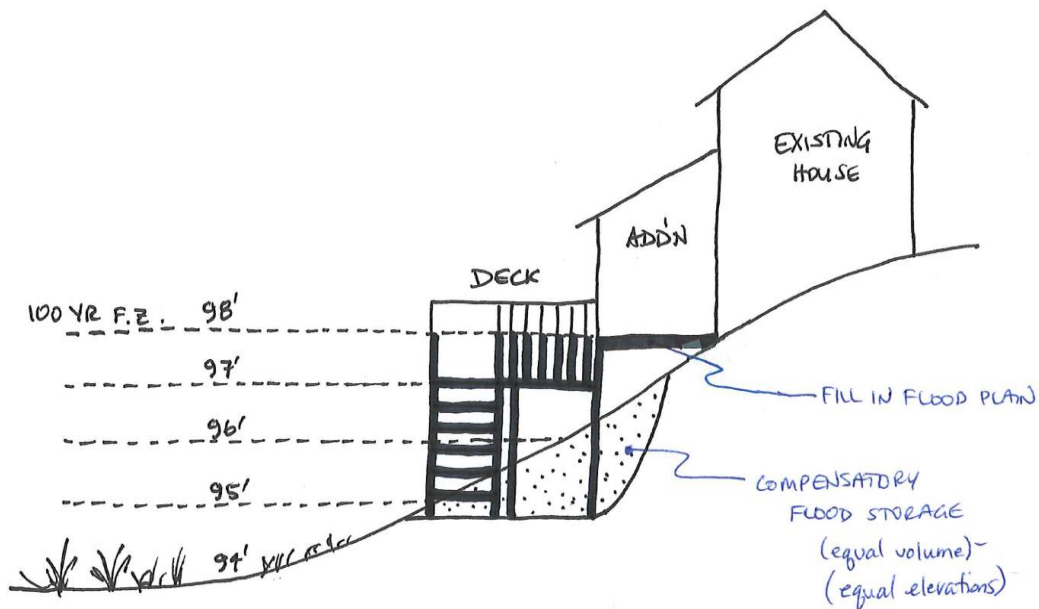
* FILL = "dirt"
  posts
  joists
  decking
  treads
  risers
  ballusters, etc.

FILL = W cubic feet 94-95'
     = X cubic feet 95-96'
     = Y cubic feet 96-97'
     = Z cubic feet 97-98'

CUTS = A CUBIC FEET 94-95'
       B CUBIC FEET 95-96'
       C CUBIC FEET 96-97'
       D CUBIC FEET 97'-98'